

FEDERAL PAY LEGISLATION

DECEMBER 9, 1970.—Ordered to be printed

Mr. DULSKI, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 13000]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Pay Comparability Act of 1970".

RESTATEMENT OF CONGRESSIONAL POLICY ON FEDERAL PAY COMPARABILITY

SEC. 2. (a) Section 5301 of title 5, United States Code, is amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that Federal pay fixing for employees under statutory pay systems be based on the principles that—

"(1) there be equal pay for substantially equal work;

"(2) pay distinctions be maintained in keeping with work and performance distinctions;

"(3) Federal pay rates be comparable with private enterprise pay rates for the same levels of work; and

"(4) pay levels for the statutory pay systems be interrelated.

"(b) The pay rates of each statutory pay system shall be fixed and adjusted in accordance with the principles under subsection (a) of this section and the provisions of sections 5305, 5306, and 5308 of this title.

"(c) For the purpose of this subchapter, 'statutory pay system' means a pay system under—

"(1) subchapter III of this chapter, relating to the General Schedule;

"(2) subchapter IV of chapter 14 of title 22, relating to the Foreign Service of the United States; or

"(3) chapter 73 of title 38, relating to the Department of Medicine and Surgery, Veterans' Administration."

(b) (1) Section 5302 of title 5, United States Code, is repealed.

(2) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out:

"5302. Annual reports on pay comparability."

ANNUAL PAY REPORTS AND ADJUSTMENTS; ADVISORY COMMITTEE
ON FEDERAL PAY; RELATED PROVISIONS

SEC. 3. (a) Subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 5305. Annual pay reports and adjustments

"(a) In order to carry out the policy stated in section 5301 of this title, the President shall—

"(1) direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under the provisions of subsection (b) of this section, a report that—

"(A) compares the rates of pay of the statutory pay systems with the rates of pay for the same levels of work in private enterprise as determined on the basis of appropriate annual surveys that shall be conducted by the Bureau of Labor Statistics;

"(B) makes recommendations for appropriate adjustments in rates of pay; and

"(C) includes the views and recommendations submitted under the provisions of subsection (b) of this section;

"(2) after considering the report of his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title, adjust the rates of pay of each statutory pay system in accordance with the principles under section 5301(a) of this title, effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year; and

"(3) transmit to Congress a report of the pay adjustment, together with a copy of the report submitted to him by his agent and the findings and recommendations of the Advisory Committee on Federal Pay reported to him under section 5306(b)(3) of this title.

"(b) In carrying out its functions under subsection (a)(1) of this section, the President's agent shall—

"(1) establish a Federal Employees Pay Council of 5 members who shall not be deemed to be employees of the Government of the United States by reason of appointment to the Council and shall not receive pay by reason of service as members of the Council, who shall be representatives of employee organizations which represent substantial numbers of employees under the statutory pay systems, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, but no more than 3 members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations;

"(2) provide for meetings with the Federal Employees Pay Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

"(A) the coverage of the annual survey conducted by the Bureau of Labor Statistics under subsection (a)(1) of this section (including, but not limited to, the occupations, establishment sizes, industries, and geographical areas to be surveyed);

"(B) the process of comparing the rates of pay of the statutory pay systems with rates of pay for the same levels of work in private enterprise; and

"(C) the adjustments in the rates of pay of the statutory pay systems that should be made to achieve comparability between those rates and the rates of pay for the same levels of work in private enterprise;

"(3) give thorough consideration to the views and recommendations of employee organizations not represented on the Federal Employees Pay Council regarding the subjects in paragraph (2) (A)–(C) of this subsection; and

"(4) include in its report to the President the views and recommendations submitted as provided in this subsection by the Federal Employees Pay Council, by any member of that Council, and by employee organizations not represented on that Council.

"(c)(1) If, because of national emergency or economic conditions affecting the general welfare, the President should, in any year, consider it inappropriate to make the pay adjustment required by subsection (a) of this section, he shall prepare and transmit to Congress before September 1 of that year such alternative plan with respect to a pay adjustment as he considers appropriate, together with the reasons therefor, in lieu of the pay adjustments required by subsection (a) of this section.

"(2) An alternative plan transmitted by the President under paragraph (1) of this subsection becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year and continues in effect unless, before the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternative plan is transmitted, either House adopts a resolution disapproving the alternative plan so recommended and submitted, in which case the pay adjustments for the statutory pay systems shall be made effective as provided by subsection (m) of this section. The continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.

“(d) Subsections (e)–(k) of this section are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

“(e) If the committee, to which has been referred a resolution disapproving the alternative plan of the President, has not reported the resolution at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the same plan which has been referred to the committee.

“(f) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same recommendation), and debate thereon is limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(g) If the motion to discharge is agreed to, or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same alternative plan.

“(h) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to an alternative plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(i) Debate on the resolution is limited to not more than 2 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

“(j) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to an alternative plan, and motions to proceed to the consideration of other business, are decided without debate.

“(k) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to an alternative plan are decided without debate.

“(l) The rates of pay which become effective under this section are the rates of pay applicable to each position concerned, and each class of positions concerned, under a statutory pay system.

"(m) If either House adopts a resolution disapproving an alternative plan submitted under subsection (c) of this section, the President shall take the action required by paragraphs (2) and (3) of subsection (a) of this section and adjust the rates of pay of the statutory pay systems effective as of the beginning of the first applicable pay period commencing on or after the date on which the resolution is adopted, or on or after October 1, whichever is later.

"(n) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of the increases; and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

"(o) The rates of pay that take effect under this section shall be printed in the Federal Register and the Code of Federal Regulations.

"(p) An increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title.

"(q) Any rate of pay under this section shall be initially adjusted, effective on the effective date of the rate of pay, under conversion rules prescribed by the President or by such agencies as the President may designate.

"(r) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"§ 5306. Advisory Committee on Federal Pay

"(a) There is established as an independent establishment an Advisory Committee on Federal Pay, to be composed of 3 members, not otherwise employed in the Government of the United States, appointed by the President. The Director of the Federal Mediation and Conciliation Service shall, and other interested parties may, recommend to the President for his consideration persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policy to serve as members. The President shall designate one of the members as Chairman. Each appointment shall be for a term of 6 years, except that one of the original members shall be appointed for a term of 2 years, and another for a term of 4 years. A member appointed to fill a vacancy occurring before the end of the term of his predecessor shall serve for the remainder of that term. When the term of a member ends, he may continue to serve until his successor is appointed.

"(b) To assist the President in carrying out the policy under section 5301 of this title, the Committee shall—

"(1) review the annual report of the President's agent;

"(2) consider such further views and recommendations with respect to the analysis and pay proposals contained in the annual report of the President's agent as may be presented to it in writing by employee organizations, the President's agent, other officials of the Government of the United States, and such experts as it may consult; and

"(3) report its findings and recommendations to the President.

"(c) The Committee may secure from any Executive agency or military department information, suggestions, estimates, statistics, and technical

assistance for the purpose of carrying out its functions. Each such Executive agency or military department shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Committee on request of the Committee.

"(d) On request of the Committee the head of any Executive agency or military department may detail, on a reimbursable basis, any of its personnel to assist the Committee in carrying out its functions.

"(e) The Administrator of General Services shall provide administrative support services for the Committee on a reimbursable basis.

"(f) The Committee may obtain services of experts or consultants in accordance with section 3109 of this title but at rates for individuals not to exceed that of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of this chapter.

"(g) Each member of the Committee is entitled to pay at the daily equivalent of the annual rate of basic pay of level IV of the Executive Schedule for each day he is engaged on work of the Committee, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703(b) of this title.

"(h) The Committee may appoint and fix the pay of such personnel as may be necessary to carry out its functions.

"§ 5307. Pay fixed by administrative action

"(a) Notwithstanding section 665 of title 31—

"(1) the rates of pay of—

"(A) employees in the legislative, executive, and judicial branches of the Government of the United States (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) and of the government of the District of Columbia, whose rates of pay are fixed by administrative action under law and are not otherwise adjusted under this subchapter;

"(B) employees under the Architect of the Capitol, whose rates of pay are fixed under section 166b-3 of title 40, and the Superintendent of Garages, House office buildings; and

"(C) persons engaged by the county committees established under section 590h(b) of title 16; and

"(2) any minimum or maximum rate of pay (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule as a result of the pay adjustment by the President), and any monetary limitation on or monetary allowance for pay, applicable to employees described in subparagraphs (A), (B), and (C) of paragraph (1) of this subsection; may be adjusted, by the appropriate authority concerned, effective at the beginning of the first applicable pay period commencing on or after the day on which a pay adjustment becomes effective under section 5305 of this title, by whichever of the following methods the appropriate authority concerned considers appropriate—

"(i) by an amount or amounts not in excess of the pay adjustment provided under section 5305 of this title for corresponding rates of pay in the appropriate schedule or scale of pay;

"(ii) if there are no corresponding rates of pay, by an amount or amounts equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to the amount of the pay adjustment provided under section 5305 of this title; or

"(iii) in the case of minimum or maximum rates of pay, or monetary limitations or allowances with respect to pay, by an amount rounded to the nearest \$100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as may be appropriate, to the percentage of the pay adjustment provided under section 5305 of this title.

"(b) An adjustment under subsection (a) of this section in rates of pay, minimum or maximum rates of pay, and monetary limitations or allowances with respect to pay, shall be made in such manner as the appropriate authority concerned considers appropriate.

"(c) This section does not authorize any adjustment in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(d) This section does not impair any authority under which rates of pay may be fixed by administrative action.

"§ 5308. Pay limitation

"Pay may not be paid, by reason of any provision of this subchapter, at a rate in excess of the rate of basic pay for level V of the Executive Schedule."

(b) The table of sections of subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"5305. Annual pay reports and adjustments.

"5306. Advisory Committee on Federal Pay.

"5307. Pay fixed by administrative action.

"5308. Pay limitation."

(c) The President may make the initial adjustment required by subchapter I of chapter 53 of title 5, United States Code, as amended by this Act, without regard to the provisions of such subchapter relating to the Advisory Committee on Federal Pay and the Federal Employees Pay Council. Notwithstanding any provision of such subchapter I prescribing an effective date of October 1 for any pay adjustment made by the President, the initial adjustment based on the 1970 Bureau of Labor Statistics survey and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively. Notwithstanding the provisions of such subchapter I, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, United States Civil Service Commission. Adjustments under the provisions of such subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule.

SENATE PAY ADJUSTMENTS

SEC. 4. (a) Each time the President adjusts the rates of pay of employees under section 5305 of title 5, United States Code, the President pro tempore of the Senate shall, as he considers appropriate—

(1)(A) adjust the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate, and any minimum or maximum rate applicable to any such personnel; or

(B) in the case of such personnel whose rates of pay are fixed by or pursuant to law at specific rates, adjust such rates (including the adjustment of such specific rates to maximum pay rates) and, in

the case of all other personnel whose pay is disbursed by the Secretary of the Senate, adjust only the minimum or maximum rates applicable to such other personnel; and

(2) adjust any limitation or allowance applicable to such personnel;

by percentages which are equal or equivalent, insofar as practicable and with such exceptions as may be necessary to provide for appropriate pay relationships between positions, to the percentages of the adjustments made by the President under such section 5305 for corresponding rates of pay for employees subject to the General Schedule contained in section 5332 of such title. Such rates, limitations, and allowances adjusted by the President *pro tempore* shall become effective on the first day of the first pay period which begins on or after the day on which any adjustment becomes effective under such section 5305 or section 3(c) of this Act.

(b) The adjustments made by the President *pro tempore* shall be made in such manner as he considers advisable and shall have the force and effect of law.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) No rate of pay shall be adjusted under the provisions of this section to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

(e) For purposes of this section, the term "personnel" does not include any Senator.

PAY ADJUSTMENTS IN THE HOUSE OF REPRESENTATIVES

SEC. 5. (a) Whenever a pay adjustment by the President under section 5305 of title 5, United States Code, is made effective pursuant to subsection (a)(2), or subsections (c) to (m), inclusive, as the case may be, of such section 5305, or section 3(c) of this Act, then the Clerk of the House of Representatives, in such manner as he considers advisable—

(1) effective at the beginning of the first pay period commencing on or after the day on which such pay adjustment by the President is made effective as described above, shall adjust—

(A) each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House (other than a maximum rate equal to or greater than the maximum rate then currently being paid under the General Schedule of section 5332 of title 5, United States Code, as a result of such pay adjustment by the President); and

(B) each monetary limitation on or monetary allowance for pay applicable to any such employee or class of employees, including but not limited to—

(i) the clerk hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico; and

(ii) the allowances for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip, and the minority whip, of the House of Representatives;

by an amount rounded to the nearest \$100 and computed on the basis of a percentage equal or equivalent, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President;

(2) shall determine, with respect to the employees and classes of employees within the purview of this section whose pay is disbursed by the Clerk, the respective amounts of pay adjustments which are equal or equivalent, insofar as practicable and with such exceptions and modifications as may be necessary to provide for appropriate pay relationships between positions, to corresponding increases in pay, as determined by the Clerk, made by the pay adjustment by the President; and

(3) shall transmit to the appropriate pay-fixing authority concerned in the House of Representatives a copy of his determinations with respect to the pay of those employees whose pay is fixed and adjusted by that authority.

(b) After consideration of the pay determinations transmitted by the Clerk of the House, the pay-fixing authority concerned may adjust, notwithstanding the provisions contained in section 665 of title 31, United States Code, the rates of pay concerned in such manner as that authority considers appropriate.

(c) Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action.

(d) This section shall not be deemed to authorize any adjustment in the rates of pay of employees whose rates of pay are disbursed by the Clerk of the House of Representatives and are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices, including employees subject to the House Wage Schedule.

(e) No rate of pay shall be adjusted under this section to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

ALLOWANCES AT REMOTE WORKSITES

SEC. 6. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive department or an independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable degree of expense, hardship, and inconvenience, beyond that normally encountered in metropolitan commuting, on the part of the employee in commuting to and from his residence and such worksite, is entitled, in addition to pay otherwise due him, to an allowance of not to exceed \$10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to the which the rates apply."

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by

the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out:

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site." and inserting in lieu thereof:

"5942. Allowance based on duty at remote worksites."

ALLOWANCES FOR EMPLOYEES ON FLOATING PLANT OPERATIONS

SEC. 7. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army."

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding:

"5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below:

"5946. Membership fees; expenses of attendance at meetings; limitations."

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress), is repealed.

RESTRICTIONS ON POSTAL SERVICE EMPLOYMENT OF RELATIVES

SEC. 8. (a) Section 410(b)(1) of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act (84 Stat. 725; Public Law 91-375), is amended—

(1) by inserting "section 3110 (restrictions on employment of relatives)," immediately before "section 3333"; and

(2) by striking out "except that not regulation" and inserting in lieu thereof "except that no regulation".

(b) The provisions of this section shall become effective on the effective date prescribed under section 15(a) of the Postal Reorganization Act for section 410 of title 39, United States Code, as enacted by that Act.

SUPERGRADES

SEC. 9. (a) Section 5108(c) of title 5, United States Code, is amended—

(1) in paragraph (8), by striking out the word "and" at the end thereof;

(2) in paragraph (9), by striking out the period at the end thereof and inserting in lieu of the period a semicolon and the word "and"; and

(3) by adding a new paragraph to read as follows:

"(10) the Chief Judge of the United States Tax Court, without regard to this chapter (except section 5114), may place a total of 5 positions in GS-16, 17, and 18."

(b) Section 5108(a) of title 5, United States Code, is amended by striking out "2,734" and inserting in lieu thereof "2,754".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

In lieu of the amended title proposed by the Senate amendment, amend the title so as to read: "An Act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes."

And the Senate agree to the same.

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS K. UDALL,
ROBERT J. CORBETT,
DANIEL E. BUTTON,

Managers on the Part of the House.

GALE W. MCGEE,
RALPH YARBOROUGH,
JENNINGS RANDOLPH,
HIRAM L. FONG,
J. CALEB BOGGS,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13000) entitled "An Act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill.

With respect to the amendment of the Senate to the text of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate with an amendment which is a substitute for both the text of the House bill and the text provided by the Senate amendment and that the Senate agree to the same.

With respect to the amendment of the Senate to the title of the House bill, the committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment to such title set forth in the conference substitute which will reflect more accurately the provisions of the text of the conference substitute and that the Senate agree to the same.

DIFFERENCES BETWEEN THE TEXT OF THE HOUSE BILL AND THE CONFERENCE SUBSTITUTE

Title

The first section of the House bill provides that the act may be cited as the "Federal Salary Comparability Act of 1969."

The conference substitute provides that the act may be cited as the "Federal Pay Comparability Act of 1970."

PAY COMPARABILITY

Policy

HOUSE BILL

Section 2 of the House bill restates the congressional policy provisions of section 5301 of title 5, United States Code, relating to pay comparability. Also, section 2 amends section 5302 to provide new procedure for implementing the new pay policy.

Subsection (a) of section 5301 of the House bill continues congressional policy that rates of pay for Federal statutory pay systems shall be based on the principles that—

- there be equal pay for substantially equal work;
- pay distinctions be maintained in keeping with work distinctions; and
- rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

This restatement provides two minor changes in congressional policy from the policy under existing law.

First, the words "on a national basis" are included to remove any possible interpretation that would permit rates of pay under a statutory system to be fixed on an area basis.

Second, the specific requirement that the pay systems "be inter-related" was eliminated.

CONFERENCE SUBSTITUTE

Section 2(a) of the conference substitute amends section 5301 as did the House bill.

Subsection (a) of section 5301, as amended by the conference substitute, contains provisions similar to the House bill, but eliminates the two changes contained in the House bill. Thus, the conference substitute does not include the words "on a national basis", but does include the requirement that the pay systems "be interrelated."

HOUSE BILL

Subsection (b) of section 5301 of the House bill identifies the pay systems under the pay comparability principles and requires that the rates of pay of each system be adjusted annually under the principles of subsection (a) and the procedures prescribed in the bill.

The employees covered by the legislation are Federal employees under the General Schedule, employees in the postal field service, officers, staff officers and employees in the Foreign Service of the United States, and physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

CONFERENCE SUBSTITUTE

The conference substitute contains similar provisions in subsections (b) and (c) of section 5301, except that reference to the postal field service employees has been eliminated as such employees are now subject to the provisions of the Postal Reorganization Act, Public Law 91-375, approved August 12, 1970, and rates of pay for such employees will be fixed under collective bargaining procedures.

Section 2(b) of the conference substitute repeals section 5302 of title 5, United States Code, relating to the pay comparability procedure of existing law, and makes the necessary technical changes in the table of sections of subchapter I of chapter 53 of title 5, United States Code.

HOUSE BILL

The House bill, in section 2, amends such section 5302 to include the new procedures for fixing rates of pay under the comparability system.

CONFERENCE SUBSTITUTE

The new procedures in the conference substitute are provided under new sections 5305-5308 of title 5, United States Code, as added by section 3 of the conference substitute, which is explained herein-after.

HOUSE BILL

Pay adjustments

Section 2 of the House bill amends section 5302 of title 5, United States Code, to provide a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems.

Subsections (a)-(e) of the new section 5302 establish a Federal Employee Salary Commission composed of eight members and three associate members, and prescribe the functions of the Commission. Four of the members, having a total of four votes, are to be designated by ranking Government officials and the other members, having a total of three votes, are to be designated by employee unions.

The primary function of the Commission is to carry out the principles of pay comparability under section 5301(a), and after consultation with representatives of such agencies and employee organizations as it determines appropriate, the Commission is required to—

- prescribe the comparability pay survey to be conducted by the Bureau of Labor Statistics;
- prepare the annual comparative statement of rates of pay based on the Bureau of Labor Statistics' survey;
- review all matters relating to pay comparability; and
- submit to Congress a report setting forth the pay comparability information, the specific rates of pay necessary to fulfill pay comparability, and any recommendations for new legislation the Commission may feel appropriate to achieve pay comparability.

The Commission is required to seek and give full recognition to the views of employee organizations in connection with its deliberations and determinations.

A member of the Federal Employee Salary Commission is authorized to seek arbitration when a member determines that the rates of pay proposed by the Commission are not in conformity with the comparability principles.

Subsection (f) of the House bill establishes a seven-member Federal Employee Salary Board of Arbitration with the sole function of determining whether the proposed rates of pay conform to the comparability principles, and if the proposed rates do not so conform, prescribe such new rates of pay as the Board determines necessary to conform with the comparability principles. The Board is to be composed of two members from the House, two from the Senate, one designated by the Chairman, Civil Service Commission, one by employee unions, and one by the Board.

Subsection (g) of the House bill requires the Commission to submit to Congress the first pay adjustment recommendations based on the 1969 Bureau of Labor Statistics survey by February 1, 1970, and annual pay recommendations by February 1 of each year thereafter.

Subsection (h) of the House bill provides that the rates of pay submitted to Congress shall become effective at the beginning of the first pay period commencing on or after the adoption by both Houses of Congress, within 60 days by a ye and nay vote, of a concurrent resolution approving such rates of pay. This subsection also authorizes the granting of retroactive pay adjustments, to correspond to adjustments initiated by the Commission, for employees whose rates of pay are fixed by administrative action.

Subsections (i)-(p) of the House bill provide the necessary provisions for administration of the Commission and the Board and implementation of the pay rates.

Subsection (q) of the House bill authorizes increases to be granted, retroactively effective, in the legislative and judicial branches, and by the Secretary of Agriculture with respect to the Agricultural Stabilization and Conservation County Committee employees, in amounts which are equal, insofar as practicable, to the increases in rates of pay which become effective under the provisions of section 5302.

Section 3 of the House bill makes the necessary technical adjustments in the table of contents of subchapter I of chapter 53 of title 5, United States Code, to conform with the adjustments made in the heading of section 5302 of title 5 by section 2 of the House bill.

CONFERENCE SUBSTITUTE

Section 3(a) of the conference substitute amends subchapter I of chapter 53 of title 5, United States Code, by adding new sections 5305-5308, providing a permanent method of adjusting the rates of pay of Federal employees who are paid under the statutory pay systems.

The most significant difference from the House provision is that the President is directed to make the annual adjustments in the rates of pay; whereas, under the House provisions, adjustments in the rates of pay would become effective only after approval by the Congress of adjustments recommended by the Federal Employee Salary Commission.

Section 5305 of the conference substitute prescribes the procedure for implementing the comparability pay principles under section 5301.

Subsection (a) of the new section 5305 requires the President to direct such agent as he considers appropriate to prepare and submit to him annually, after considering such views and recommendations as may be submitted under subsection (b) of this section, a report—

- that compares the rates of pay of the statutory pay systems for the same levels of work in private industry as determined on the basis of the annual survey that shall be conducted by the Bureau of Labor Statistics,
- that makes recommendations for appropriate adjustments in rates of pay, and
- that includes the views and recommendations submitted under subsection (b).

After considering the report of his agent and the recommendations of the Advisory Committee on Federal Pay, the President shall make such adjustments in the statutory pay systems as he determines necessary to carry out the comparability principles under section

5301. The adjustments will become effective as of the beginning of the first applicable pay period commencing on or after October 1 of the applicable year.

The President is required to transmit to Congress a report of the pay adjustments he makes, together with the reports submitted to him by his agent and the Advisory Committee on Federal Pay.

Subsection (b) requires the President's agent to establish a Federal Employees Pay Council, consisting of five members. The members are to be chosen from representatives of employee organizations representing employees under the three pay systems covered by section 5301, but no more than three members at any one time shall be from the same employee organization. They are to be selected with due consideration to such factors as the relative number of employees represented by the various organizations.

Members of the Council shall not be deemed to be employees of the Government of the United States and shall not receive pay by virtue of service with the Council.

The President's agent is required to provide for meetings with the Council, and to give thorough consideration to the views and recommendations of the Council, and to the views and recommendations of individual members of the Council, if any.

The views and recommendations may include the coverage of the annual survey to be conducted by the Bureau of Labor Statistics, including such matters as the occupations, establishment sizes, industries, and geographical areas to be surveyed, the process of comparing the rates of pay of a statutory pay system with the rates of pay for the same levels of work in private industry, and the adjustments in the rates of pay that should be made to achieve comparability.

In addition, the President's agent is required to give thorough consideration to the views and recommendations of employee organizations not represented by the Council, regarding the same matters which may be considered by the Council.

The views and recommendations submitted by the Council, by any member of the Council, and by employee organizations not represented by the Council, are to be included in the report of the agent to the President.

Subsection (c) of section 5305 of the conference substitute provides that if, because of a national emergency or economic conditions affecting the general welfare, the President in any year considers it inappropriate to make the pay comparability adjustments required by subsection (a), he shall prepare and submit to Congress before September 1 of that year such alternative plan for pay adjustments as he considers appropriate which are to be considered as being in lieu of the comparability pay adjustments required by subsection (a).

An alternate plan transmitted by the President becomes effective on the first day of the first applicable pay period commencing on or after October 1 of the applicable year, and continues in effect unless, prior to the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternate plan is transmitted, either House of Congress adopts a resolution disapproving the alternate plan.

Subsections (d)-(k) of section 5305 of the conference substitute prescribe the rules controlling the action in the Senate and the House of Representatives for consideration of a resolution disapproving an alternate plan. In general, the rules prescribed will guarantee a Member of Congress the right to have such a resolution acted upon by the Congress. It is provided that it shall be in order, by a highly privileged motion which is not debatable, to discharge the committee from further consideration of a resolution in the event the committee to which the resolution has been referred has not reported the resolution at the end of 10 calendar days after its introduction.

Subsection (l) provides that the rates of pay which become effective, either temporarily or permanently, under section 5305 are to be considered the rates of pay applicable to each employee or position.

Subsection (m) of section 5305 requires the President, in the event Congress disapproves the alternate plan, to make the comparable pay adjustments required by subsection (a). Such comparability adjustments will become effective as of the beginning of the first applicable pay period commencing on or after the date on which the disapproving resolution is adopted, or on or after October 1, whichever is later.

Subsection (n) provides that the rates of pay that become effective under section 5305 shall modify, supersede, or render inapplicable prior pay adjustments under provisions of law or prior recommendations and pay adjustments that have the effect of law.

Subsection (o) requires that the rates of pay that take effect under section 5305 shall be printed in the Federal Register and the Code of Federal Regulations.

Subsection (p) makes it clear that increases in rates of pay under section 5305 are not to be considered an equivalent increase in pay under section 5335 of title 5, United States Code, relating to periodic step increases for General Schedule employees.

Subsection (q) authorizes the President to prescribe conversion rules for pay adjustments that become effective under the provisions of section 5305.

Subsection (r) provides that the provisions for automatic pay adjustments of section 5305 will not impair any authority pursuant to which rates of pay may be fixed by administrative action.

Advisory Committee on Federal Pay

CONFERENCE SUBSTITUTE

Subsection (a) of section 5306 of the conference substitute establishes an Advisory Committee on Federal Pay as an independent establishment in the executive branch to be composed of three presidential appointees not otherwise employed in the Government of the United States. Recommendations for such appointees are to be made by the Federal Mediation and Conciliation Service and may be made by other interested parties. It is anticipated that such appointees will be persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policies. The appointees shall serve for 6-year terms.

Subsection (b) requires the Advisory Committee on Federal Pay to—

- review the annual report submitted to the President by his agent;
- consider such further views and recommendations, with respect to proposals in the annual report submitted by the agent to the President, as may be presented to the Committee in writing by employee organizations, the President's agent, other officials of the Government, and such experts as the Committee may consult; and
- report its findings and recommendations to the President.

Subsections (c)–(h) contain the usual administrative provisions for operation of the Committee.

Subsection (g) establishes the rates of pay for each member of the Committee at the daily equivalent of level IV of the Executive Schedule (now \$38,000) for each day he is engaged in work of the Committee, and entitles each member to travel expenses, including per diem allowance, in accordance with the provisions of section 5703(b) of title 5, United States Code.

PAY FIXED BY ADMINISTRATIVE ACTION

CONFERENCE SUBSTITUTE

The primary purpose of section 5307(a) of the conference substitute is to authorize administrative pay-fixing authorities to make adjustments in rates of pay, minimum or maximum rates of pay, and pay limitations or allowances, without regard to the antideficiency appropriation provisions of 31 U.S.C. 665, which prohibit administrative action from being taken to incur an obligation of funds in excess of the amount of funds available to cover the obligation. There are two principal features of section 5307(a).

Pay adjustments

The first feature of section 5307(a) is that it authorizes adjustments to be made in the rates of pay of employees of the legislative, judicial, and executive branches of the Government of the United States and of the government of the District of Columbia (except employees whose pay is disbursed by the Secretary of the Senate or the Clerk of the House) whose rates of pay are fixed by administrative action pursuant to law, and are not otherwise adjusted by the President under section 5305 of title 5, United States Code, as enacted by the conference substitute.

Authority is included for the adjustment of rates of pay of certain employees under the Architect of the Capitol whose rates of pay are fixed by 40 U.S.C. 166b–3, of the Superintendent of the House garages, and of persons employed by the Agricultural Stabilization and Conservation County Committees.

Wage board employees whose rates are fixed in accordance with prevailing local practices are specifically excluded under subsection (c).

It is to be emphasized that these provisions “authorize” adjustments in rates of pay. The actual decision of whether a pay adjustment will be made is within the discretion of the appropriate official.

The pay adjustments are not to exceed the pay adjustment under section 5305 for corresponding rates of pay or, when there are no

corresponding rates of pay, the adjustments are not to exceed an amount equal or equivalent, insofar as practicable, to the amount of the adjustment under section 5305. The adjustments, however, may be less than the adjustments made by the President under section 5305.

The provisions of section 5307(a) are general in nature and all inclusive insofar as applicable administrative pay-fixing authorities are concerned, except as to certain employees of the Senate and the House of Representatives and wage board employees. Similar provisions in prior pay legislation were general in nature and, in addition, contained authorizations relating to specific administrative pay-fixing authorities.

To illustrate, section 211 of the Federal Salary Act of 1967, Public Law 90-206, included a specific authorization under subsection (a) to adjust the rates of pay of U.S. Attorneys and Assistant U.S. Attorneys whose salaries are fixed by administrative action of the Attorney General under 28 U.S.C. 548.

In addition, subsection (b) of section 211 contained general authorization for administrative pay-fixing authority.

Also, section 213 of the Federal Salary Act of 1967 identified several groups of employees of the judicial branch whose rates of pay are fixed by administrative action, such as referees in bankruptcy and law clerks.

The provisions of section 5307(a) of the conference substitute are intended to have general application covering all the applicable administrative pay-fixing authorities, with the exceptions noted above, including those specific authorities which were identified in former pay legislation.

Minimum or maximum rates of pay, limitations, or allowances

The second feature of section 5307(a) of the conference substitute is that it authorizes adjustments to be made in a minimum or maximum rate of pay, and in a pay limitation or allowance applicable to employees covered by section 5307.

It is intended that the authority of these provisions be used to make appropriate adjustments in minimum or maximum rates of pay or allowances affecting employees of the legislative, judicial, and executive branches, whose pay is fixed by administrative action, subject to the exceptions noted above. To illustrate, adjustments are authorized in the pay limitation under 28 U.S.C. 753(e) on the pay of court reporters.

Subsection (b) of section 5307 permits the adjustments in rates of pay, minimum or maximum rates of pay, limitations, or allowances under subsection (a) to be made in such manner as the appropriate authority considers advisable.

Subsections (c) and (d) provide that the authority of section 5307 does not apply to employees whose rates are fixed under the wage board system, and does not impair the authority to adjust rates of pay which may be fixed by administrative action.

Pay limitation

Section 5308 of the conference substitute provides that an employee whose rate of pay is adjusted under the provisions of sections 5301-5307 may not be paid at a rate in excess of the rate of pay for level V of the Executive Schedule (now \$36,000).

Miscellaneous

CONFERENCE SUBSTITUTE

Subsection (b) of section 3 of the conference substitute makes the necessary technical conforming changes in the table of sections of subchapter I of chapter 53 of title 5, United States Code.

Subsection (c) of section 3 of the conference substitute authorizes the President to make the initial adjustment under the new provisions without regard to the provisions relating to the Advisory Committee on Federal Pay, since there will not be adequate time to process the initial adjustment through the Committee procedure.

The subsection also provides that the initial adjustment and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the first day of the first applicable pay period commencing on or after January 1, 1971, and January 1, 1972, respectively.

This subsection also designates the President's agent, for the purpose of the 1971 and 1972 adjustments, as the Director, Office of Management and Budget, and the Chairman of the Civil Service Commission.

In addition, subsection (c) provides that adjustments by the President under subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule. The rates of pay of such employees were increased April 16, 1970, by the Postmaster General under authority of section 9 of the Postal Reorganization Act (Public Law 91-375). Hereafter such employees will have their rates of basic pay adjusted under the provisions of the Postal Reorganization Act.

LEGISLATIVE PAY

HOUSE BILL

The House bill included provisions in subsection (q) of section 5302 authorizing adjustments in the rates of pay of certain employees of the legislative branch, and adjustments in any minimum or maximum rate, limitation, or allowance, applicable to such personnel.

CONFERENCE SUBSTITUTE

Section 4 of the conference substitute provides that each time the President adjusts rates of pay under section 5305 of title 5, United States Code, the rates of pay of personnel whose pay is disbursed by the Secretary of the Senate and any minimum or maximum rate, limitation, or allowance applicable to such personnel shall be adjusted by the President pro tem of the Senate in such manner as he considers advisable. No rate shall be adjusted to an amount in excess of the rate of basic pay for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

Section 5 of the conference substitute contains authority for adjustments relating to certain employees of the House of Representatives.

Whenever a pay adjustment is made by the President under section 5305 of title 5, United States Code, the Clerk of the House is authorized, in such manner as he considers advisable, to adjust each minimum and maximum rate of pay applicable to any employee or class of employees whose pay is disbursed by the Clerk of the House, other than a maximum rate equal to or greater than the maximum rate currently

being paid under GS-18 as a result of the pay adjustment. Also, the Clerk is authorized to adjust each monetary limitation on, or monetary allowance for, pay applicable to such employee. This provision specifically includes authority to adjust the clerk-hire allowance for each Member of the House of Representatives and the Resident Commissioner from Puerto Rico, and the allowance for additional office personnel in the offices of the Speaker, the majority leader, the minority leader, the majority whip and the minority whip. The adjustments are to be in an amount rounded out to the nearest \$100 and computed on the basis of a percentage equal or equivalent to, insofar as practicable and with such variations as the Clerk considers appropriate, to the percentage of the pay adjustment made by the President.

The Clerk of the House is authorized to determine with respect to the employees covered by this section, the respective amounts of pay adjustments which are equal or equivalent to corresponding increases in pay, as determined by the Clerk, made by the pay adjustments made by the President. The Clerk is required to transmit such information to the appropriate House of Representatives pay-fixing authority concerned.

The pay-fixing authority concerned is authorized to adjust the rates of pay of employees under his jurisdiction in such amounts as he considers appropriate, subject to the limitations prescribed and subject to the usual procedures that may be required by the Clerk of the House under section 472(d) of the Legislative Reorganization Act of 1970, Public Law 91-510.

Illustration of pay-fixing authorities in the House are, a Member for employees in the office of a Member, the chairman of the committee for employees of a committee, and the House Administration Committee for employees under the House Employees Schedule. The decision as to whether any pay adjustment is to be made, and the amount of pay adjustment, is entirely within the discretion of the pay-fixing authority.

Subsection (c) of section 5 provides that the authority under this section does not impair any authority pursuant to which rates of pay may be fixed by administrative action. Subsection (d) specifically excludes wage board employees such as employees under the House Wage Schedule.

Subsection (e) places a ceiling on the amount of any increase under this particular section to the rate of basic pay of level V of the Executive Schedule which currently is \$36,000.

The provisions of section 5 do not apply to officers of the House of Representatives (Clerk, Sergeant at Arms, Doorkeeper, Chaplain, and Postmaster), because the rates of pay of the officers are not fixed by administrative action, but are fixed by House resolutions, in some cases, or by the directive issued by the Speaker of the House on June 11, 1968 (2 U.S.C. 60a, note), which has the force and effect of law under section 212 of the Federal Salary Act of 1967 (Public Law 90-206).

Finally, the provisions of section 5 do not apply to those employees of the House of Representatives whose specific rate of pay is fixed by House resolution, such as minority floor assistants, under H. Res. 502, August 6, 1969; reporters of debates, under H. Res. 1055, October 19, 1966, and H. Res. 995, October 10, 1968; and reporters to committees, under H. Res. 533, June 8, 1956, H. Res. 335, August 18, 1959, and H. Res. 995, October 10, 1968.

POSTAL EMPLOYEE FRINGE BENEFITS

HOUSE BILL

Section 4 of the House bill revises provisions of law relating to automatic step advancements for postal employees to permit the employees to reach the top pay step in 8 years instead of the present 21 years.

Section 5 of the House bill provides for a two-step within grade adjustment for postal employees in levels 1 through 11, effective October 1, 1969, and authorizes employees in levels 12 or above to receive a step increase on or after July 1, 1970.

CONFERENCE SUBSTITUTE

The conference substitute does not include comparable provisions as such matters are now covered by the provisions of the Postal Reorganization Act, Public Law 91-375, approved August 12, 1970.

MISCELLANEOUS FRINGE BENEFITS

Premium pay

Section 6 of the House bill amends section 5545(c)(2) of title 5, United States Code, to authorize premium pay for certain employees for Sunday, night, holiday, and overtime work. This provision applies primarily to border patrolmen, Deputy U.S. Marshals, Customs and Internal Revenue personnel, and the Federal Bureau of Investigation.

The conference substitute does not include a comparable provision as similar provisions were included under section 8, Public Law 91-231.

Allowances at remote worksites

Section 7 of the House bill amends section 5942 of title 5, United States Code, to authorize an allowance, not to exceed \$10 per day, at remote worksites in order to defray expenses of civilian employees assigned to duty at remote worksites.

Section 6 of the conference substitute includes comparable provisions, but requires that such expenses (including hardship and inconvenience) be above expenses normally encountered in metropolitan commuting.

Allowances for floating plant operations

Section 8 of the House bill adds a new section 5947 to title 5, United States Code, authorizing an additional allowance for employees in the Corps of Engineers engaged in floating plant operations when the employees are prevented from boarding the vessel under circumstances beyond their control, such as hazardous weather conditions or while the vessel is in a shipyard for repairs.

Section 7 of the conference substitute contains a comparable provision.

Nepotism in Postal Service

The House bill does not contain a provision on this subject.

Section 8 of the conference substitute amends section 410(b)(1) of title 39, United States Code, as enacted by section 2 of the Postal Reorganization Act (Public Law 91-375), to extend the nepotism provisions of section 3110 of title 5, United States Code, to the new United States Postal Service. Section 3110, in general, prohibits a

public official from appointing or advocating the appointment of any individual who is a relative of the public official.

Section 8 also corrects an error in such section 410(b)(1) by striking out the word "not" and inserting the word "no" in lieu thereof.

Supergrades

The House bill contains no provision on this subject.

Section 9(a) of the conference substitute amends section 5108(c) of title 5, United States Code, by adding a new paragraph (10) to authorize the Chief Judge of the U.S. Tax Court to place a total of 5 positions in GS-16, 17, and 18, without prior approval of the Civil Service Commission. The Tax Reform Act of 1969 (Public Law 91-172) eliminated the Tax Court of the United States as an independent agency in the executive branch and established a new U.S. Tax Court as a court of record under article I of the Constitution.

Since the Tax Court has been taken out of the executive branch of the Government, the U.S. Civil Service Commission has not allocated any additional supergrades to the Court on the basis that the Court should have its own quota of GS-16, 17, and 18 positions as is the case for several other agencies not under the control of the executive branch, such as the Comptroller General, the Director of the Administrative Office of the U.S. Courts, and the Library of Congress.

Section 9(b) authorizes 20 additional positions in grades GS-16, GS-17, and GS-18 for allocation by the Civil Service Commission among departments and agencies in the executive branch in accordance with procedures established and administered by the Commission under section 5108 of title 5, United States Code. The total number of positions now authorized is 2,734 and this section will increase the total to 2,754. By letter dated December 7, 1970, the Chairman of the Civil Service Commission advised that a minimum of 30 new positions is required to meet new critical needs occasioned by new organizations and functions in the executive branch. Specific mention was made of the needs for additional positions in these grades in the Environmental Planning Agency, the Office of Telecommunications Policy, the National Oceanographic and Atmospheric Administration and the Inter-American Social Development Institute.

AMENDMENT TO THE TITLE

The title of the House bill reads:

"An act to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes."

The conference substitute, in order to reflect the new provisions of the substitute, amends the title to read:

"An act to amend title 5, United States Code, to authorize the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Pay, and for other purposes."

THADDEUS J. DULSKI,
DAVID N. HENDERSON,
ARNOLD OLSEN,
MORRIS K. UDALL,
ROBERT J. CORBETT,
DANIEL E. BUTTON,

Managers on the Part of the House.

